

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MAINE**

NEW HAMPSHIRE MOTOR TRANSPORT  
ASSOCIATION, MASSACHUSETTS MOTOR  
TRANSPORTATION ASSOCIATION, INC.,  
AND VERMONT TRUCK & BUS  
ASSOCIATION, INC.

Plaintiffs,

-v-

G. STEVEN ROWE, in his official capacity as  
Attorney General of the State of Maine,

Defendant.

Case No. 1:03-cv-178-DBH

**JOINT MOTION FOR RELIEF FROM RULE 56(a) AND SETTING  
BRIEFING SCHEDULE ON PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

Plaintiffs, the New Hampshire Motor Transport Association, the Massachusetts Motor Transportation Association, Inc., and the Vermont Truck & Bus Association, Inc. (collectively, the "Carrier Associations"), and defendant, G. Steven Rowe, by and through their undersigned counsel, jointly move the Court as follows:

1. The plaintiff Carrier Associations filed their complaint in this action on October 10, 2003, and served the summons and complaint on defendant G. Steven Rowe on October 14, 2003.
2. On October 15, 2003, the plaintiff Carrier Associations filed a Motion for Relief from the 20-day hold on a claimant's motion for summary judgment imposed by Rule 56(a) of the Federal Rules of Civil Procedure, and simultaneously filed a Motion for Summary Judgment.
3. The parties wish to resolve the issue presented by the plaintiffs' Motion for Relief from Rule 56(a), and wish to allow both sides adequate time for briefing on the plaintiffs' Motion for Summary Judgment.

4. WHEREFORE, the parties jointly move the Court for an Order providing the following:

- 1) That the plaintiffs' Motion for Relief from Rule 56(a) is GRANTED;
- 2) That the defendant shall have until November 25, 2003 in which to file his opposition to the plaintiffs' Motion for Summary Judgment; and
- 3) That the plaintiffs shall have until December 16, 2003 in which to file a reply brief in support of their Motion for Summary Judgment.

Respectfully Submitted,

Dated: October 28, 2003

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**CERTIFICATE OF SERVICE**

I, Melissa Reynolds O'Dea, Assistant Attorney General, hereby certify that on October 28, 2003 I electronically filed this *Joint Motion for Relief From Rule 56(a) and Setting Briefing Schedule on Plaintiff's Motion for Summary Judgment* with the Clerk of Court. There are no non-registered parties requiring service by first-class United States mail.

Date: October 28, 2003

/s/ MELISSA REYNOLDS O'DEA  
Assistant Attorney General